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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-sixth session

SUMMARY RECORD OF THE 676th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 11 January 2001, at 3 p.m.

Chairperson: Ms. MOKHUANE
(Vice-Chairperson)

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Ms. Mokhuane, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Ethiopia (continued) (CRC/C/70/Add.7; CRC/C/Q/ETH/2; written replies of the Government of Ethiopia to the questions in the list of issues (document without a symbol distributed in the meeting room in English only))

1. At the invitation of the Chairperson, the members of the Ethiopian delegation resumed places at the Committee table.

2. Mr. ALEMU (Ethiopia) said he wished to respond to allegations that Eritrean nationals had been expelled from Ethiopia and their property confiscated during the armed conflict. When Eritrea had invaded the country in 1998, some of its nationals in Ethiopia had formed clandestine networks of informants and other agents. On discovering those activities, the Ethiopian security services had taken action against Eritreans who had supported the war of aggression. Some had been ordered to leave the country but the Government had taken great care to ensure that their children and families were not adversely affected. Where the expelled persons had been heads of families, the remaining family members had been given the option of returning to Eritrea or staying on in Ethiopia. No property had been confiscated. Under Ethiopian law, such action could be taken only by order of the courts. In some cases, however, the property of expellees had been sealed or sold by their representatives. Under the peace treaty signed by Ethiopia and Eritrea in Algiers on 12 December 2000, all claims for loss, damage or injury by one Government against the other were to be considered by an international commission of neutral arbitrators. Ethiopia had filed claims regarding, inter alia, Eritrean bombing of schools in Ethiopia.

3. There were over 300,000 displaced persons in Ethiopia, including about 160,000 children and women. Some had fled from the armed conflict and others had been deported by Eritrea. The Government had endeavoured to maintain the family unit and to integrate displaced persons into communities that were generous enough to provide shelter. However, thousands remained in care shelters. The Disaster Prevention and Preparedness Commission provided displaced families with regular rations and basic necessities. It was hoped that they could all return to their homes once progress had been made in mine clearance with United Nations assistance.

4. The Constitution prohibited all forms of discrimination and its human rights provisions imposed standards comparable to those laid down in international instruments. Since 1991 Ethiopia had been moving towards a transparent, multi-party and fully accountable democracy. The different ethnic communities could choose their own official language and facilities for mother-tongue education were provided. There was also one official federal language. The federal system redressed past injustices and reversed the policy of preventing ethnic groups or people of different national extraction from preserving their language and culture.

5. Mr. TADESSE (Ethiopia) said that the independence of the Human Rights Commission and the Ombudsman's Office was a critical issue that had been discussed in detail and provided for in the Constitution. Both bodies were directly accountable to Parliament. The provisions governing the appointment and removal of officials were couched in terms that ensured their independence.

6. Article 621 of the Criminal Code expressly criminalized acts of incest.

7. The position of the husband in the family was addressed in the new Family Code. Under the former Civil Code dating from the 1960s, the husband was explicitly recognized as the head of the family and was given concomitant powers over the person of his wife and all activities in the household. The new Family Code had done away with such manifestations of inequality. The basic principle was that the husband and wife ran the affairs of the family as equal partners. The Code also introduced far-reaching changes in the status of the child. In the previous Civil Code, matters affecting the rights of the child such as guardianship and legal capacity had not been covered by family law but by the law of persons. Under the new Family Code, the child was placed on an equal footing with the husband and wife within the family. A number of provisions governing divorce, proof of affiliation, adoption, administration of finance and other matters had been drafted in the light of the best interests of the child. Children were allowed to participate in matters pertaining to their adoption and were entitled to be heard in court during divorce proceedings. The principles of the Convention had thus been enshrined in a number of areas.

8. He fully agreed that the provision regarding corporal punishment for juveniles should be removed from the Penal Code. Public opinion was certainly in favour of a change but explicit approval by Parliament was required. The provision would doubtless be revoked once the revised Penal Code was adopted. The Ministry of Justice had recently announced that the draft revised legislation was about to be transmitted to the Council of Ministers, which would lay it before Parliament. In the meantime, the sanction contained in the Penal Code could not be imposed by the courts or any other institutions because it was in conflict with an article of the Constitution that prohibited corporal punishment of children. The fact that the family had not been mentioned in that article did not imply that such punishment or any other form of violence was permissible within the confines of the family.

9. With regard to forced marriages, abduction, rape, unsafe abortion and other similar issues, it was to be hoped that the revised Penal Code would introduce standards consistent with the basic principles enshrined in the Constitution and the many human rights treaties that Ethiopia had ratified. It would include, for example, a provision prohibiting female genital mutilation and the penalties for rape would be made more severe. A heated debate on the issue of abortion had been under way for some time and there seemed to be a consensus in favour of some form of legalization owing to the many casualties resulting from illegal abortions. A department at the Prime Minister's Office headed by the Minister of Women's Affairs had been assigned the task of addressing all such issues.

10. Legislation enacted in 1994 provided for equality of opportunity for disabled persons. Once the Ombudsman's Office and the Human Rights Commission were operational, they would deal with any complaints regarding failure to enforce its provisions. Guidelines on enforcement were being prepared and had been submitted to the Prime Minister's Office for consideration.

11. Although the extended family had lost some of its influence in urban areas, it was still the basic family structure in Ethiopia, since 85 per cent of the population still lived in rural areas. The guardianship arrangements in the new Family Code and many provisions of the Civil Code took such extended family relationships into account.

12. The human rights situation in Ethiopia was improving apace. In less than a decade a number of international human rights treaties had been ratified and basic human rights criteria had been enshrined in the new Constitution. The judiciary was independent and there were various mechanisms and procedures for remedying human rights violations. Under the former regime no freedom of speech had been tolerated, but now Addis Ababa was renowned for its thriving newspaper industry.

13. Ms. GUTTA (Ethiopia) said that article 35, paragraph 4, of the Constitution sought to eliminate harmful customs, laws and practices, such as wife-beating, that oppressed or caused bodily or mental harm to women. The revised Family Code also prohibited wife-beating. No study had been undertaken to date of the phenomenon of marital rape. An association of women supported by a special fund had been established to oversee the enforcement of the new family legislation.

14. A number of non-governmental organizations (NGOs) had begun to coordinate their human rights efforts through networking and exchanges of information and resources.

15. On the Day of the African Child each year, Ethiopian children were invited to meet senior officials in order to discuss their right to education and development and ways of ensuring that the best interests of the child were served. On Ethiopian Christmas Eve, HIV-infected orphan children had been invited to dinner with the President and the Minister of Labour and Social Affairs.

16. Mr. SODANO (Ethiopia) said that the country was just beginning to address harmful cultural practices which, in addition to their other adverse consequences, were hampering development efforts. Steps had been taken, in schools, hospitals and other contexts, to raise community awareness, and the legal prohibition of female genital mutilation had begun to be enforced. The decentralized federal system of government ensured that policies were implemented throughout the country at grass-roots level.

17. For the past five years, the Government had been actively pursuing a policy of family reunification to ensure that children were brought up in a family and community environment rather than in an institution.

18. In the past, communities had held a superstitious view of disability but disabled children were now treated just like other children. Special programmes, schools and kindergartens had been established. The Organization for Disabled Persons worked closely with the Government in developing sound policies.

19. Girl children had not, in the past, been treated on equal footing with boys, especially in remote areas. But the Government was doing its best to address the problem and to provide equal opportunities for girls both in law and in practice.

20. The "Children's Parliament" had met with the federal Parliament and the Prime Minister to discuss the right to education and other issues. Careful note had been taken of the points made on that occasion and the Government would take them into account in its future policy decisions.

21. Ms. OUEDRAOGO said that the question concerning the reintegration of children displaced by war had not been fully answered. On a related issue, there had been an increasing number of children born in Ethiopia to foreign parents. With regard to civil rights and freedoms, were there any special arrangements for such children, given that they did not possess Ethiopian nationality?

22. She welcomed the decision to issue a government directive concerning the need to stress the best interests of the child when considering cases of adoption, but she would be grateful for more information about how it was being implemented, including details of any monitoring mechanisms. Were steps being taken to formalize arrangements regarding traditional forms of adoption in order to provide more effective protection to the child? Despite Ethiopia's failure to ratify the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, the number of international adoptions outweighed the number of domestic cases. She would appreciate information on the monitoring of international adoption and whether the Government was trying to encourage the adoption of nationals.

23. She asked whether young people would be included in the Government's proposed reproductive and sexual health-care programme. In view of the high rate of teenage pregnancies as well as the spread of AIDS, it was to be hoped that was the case. Statistics from 1994 had pointed to the severe lack of social services as well as the absence of an effective social security system. What had been done since that time to improve the situation, and did the poorest sections of the population have access to free health care? With regard to childbirth care in particular, since only 9 per cent of mothers were assisted by trained midwives, were there plans significantly to improve that ratio in the Government's five-year health programme? It would also be interesting to know whether the promotion of breastfeeding, particularly in urban areas, was a priority for the Government.

24. Mr. RABAH, while welcoming the decision to provide children with the opportunity to participate in sessions of the Federal Parliament once a year, asked whether similar, more frequent, arrangements could be made at the local government level. The right to be heard also meant children's views being taken into account - and acted upon - in a variety of settings,

especially in court. He welcomed the step of relegating imprisonment to a last resort in juvenile justice but would be interested to hear the Government's proposals for alternative sentences. Lastly, could the delegation elaborate on the situation of street mothers, including the programmes designed to protect them?

25. Ms. KARP said she appreciated that corporal punishment had been abolished as an official court sentence; her question referred to a different instance. Articles 64 and 548 of the Penal Code made a justification for reasonable chastisement to be employed by institutions as well as parents. That would not appear to be a violation of the Constitution, which referred only to official punishments. What was the delegation's interpretation of the Constitution on that point? She asked whether there were sufficient complaint and punishment mechanisms to deal with violent teachers who abused their right to chastise.

26. In her understanding there was no specific criminal prohibition of incest. If it was treated as any other type of abuse, that meant punishment by a minimum of three months' imprisonment. In her view, such treatment belittled what was an extremely serious offence. Were there any proposed changes to criminal law in that regard? She inquired about the procedure to support abused children when they were required to give evidence in court. Were there specialists trained to ask questions in such a way as to alleviate the harrowing nature of the experience and was there provision for filming children's testimony rather than requiring them to appear in court?

27. Raising awareness of the harmful nature of female genital mutilation was not sufficient. The promotion of an alternative ceremony, which had become a widespread practice in some areas, would be a more effective way of putting an end to mutilation. The method, which had been successful in Ghana, consisted of a symbolic initiation of the child, and worked because it provided an alternative means of satisfying the cultural desire for ritual. As the task of raising awareness was so huge, did the Government provide funding to train personnel for that purpose, or were such activities being carried out by untrained volunteers?

28. She asked whether a legal loophole still allowed a perpetrator of rape to escape punishment if he married his victim. With regard to AIDS, her main concern was for the rising number of orphans left by the disease. Could more be done to support the extended families of orphans to persuade them to look after children who would entail an added financial burden? Were specific programmes being pursued to cope with the problems of orphans?

29. Under the current arrangements for juvenile justice, children between the ages of 15 and 18 were treated as adults. Although she did not question the decision to impose harsher punishments on older children, it was contrary to the spirit of the Convention to treat persons under the age of 18 in the same way as adults. Ethiopia was to be commended on having a separate justice system for children, but there was no justification for stopping it at the age of 15. She was also concerned by article 4771 of the Penal Code, which provided for street children to be detained and referred to the criminal courts. She failed to understand the benefit to society of treating the most vulnerable individuals as criminals. Would it not be more profitable to protect such children, rather than to burden them with the stigma of detention?

30. She welcomed the decision taken by the Minister of Education to make improved child participation in the education system an official policy, and would appreciate more details of how the initial programmes were being implemented.

31. Mr. DOEK asked whether the delegation could elaborate on the existence of community-based child support programmes and instances of children in non-formal education. Given the current difficulties in sustaining the education system in Ethiopia, non-formal education could be a possibility worth pursuing. What was the Government's position on such a practice and how frequently did it occur?

32. Paragraph 64 of Ethiopia's report referred to a project designed to provide support services to 1,100 street children, but there were 100,000 street children in Addis Ababa alone and 150,000 throughout the country. Was the Government working hard to provide urgent medical and educational services to as many of those children as possible, even if it could not find enough adequate places for them to stay?

33. Regarding juvenile justice, article 20.5 of the Constitution stipulated that every child had a right to legal counsel, but there appeared to be certain limitations to that right. As he understood it, that right could be denied when a child faced charges of a very serious nature, which was precisely when counsel was needed most. Furthermore, a lawyer was not required if a child was represented by a parent or guardian. Was that indeed the situation and, if so, was the Government considering a change to the law? A number of juvenile courts now existed in Ethiopia, but the system itself still appeared to be fragmented. It would be useful to learn what plans there were to address that problem.

34. He would be grateful if the delegation could clarify whether children sentenced to imprisonment were kept separate from adult detainees. He understood that the correctional prisons were used only for children convicted of minor offences. Conditions in correctional institutions were reported to be poor, the facility in Addis Ababa accommodating some 300 children, with as many as 12 per cell. According to the Penal Code, prison governors were entitled to impose solitary confinement should they deem it appropriate. That applied equally to children aged 15 to 18, who were treated as adults in the criminal justice system. Did the Government intend to curtail the power of prison governors to use solitary confinement for detainees under the age of 18, given that it was not in accordance with either the Convention or other international standards such as the Beijing Rules? In the light of such considerations, would the Government consider introducing full juvenile justice regulations for all persons under the age of 18?

35. Ms. RILANTONO expressed concern about the inadequacy of health services, which reportedly covered less than half the population. Were any efforts being made to build up the country's infrastructure, in particular first referral centres? With HIV/AIDS affecting 7.4 per cent of adults in 1998, the number of orphans was bound to increase. Had the Government accelerated investment in any areas to cope with that problem? There had been a gradual reduction between 1990 and 1998 of female genital mutilation thanks in large part to the work of the National Committee on Traditional Practices of Ethiopia (NCTPE). Could the delegation describe how that body had succeeded, albeit slowly, in reducing FGM? Perhaps it would be advisable to intensify its work.

36. Ethiopia had a shortage of schools, nurseries and playgrounds. In that context, it would be of interest to find out what impact the new economic liberalization policy would have on education. The Government was reportedly encouraging foreign and domestic investment in education. On the one hand, such investment could be very helpful, but on the other hand it might lead to even greater disparities in educational opportunities for children.

37. The report suggested that in many cases street children were best assisted by being reunited with their families. However, street children were often orphans or runaways. An assessment of the situation would be useful to help determine the best policy to pursue.

38. While children needed food, schooling and skills, the provision of welfare services and assistance would not in themselves suffice to ensure that their rights were respected. A rights-based approach would give them the confidence and self-esteem they needed to sustain themselves and would allow for their full development.

39. Ms. OUEDRAOGO inquired about the national policy for the control of HIV/AIDS, which had been adopted only as late as 1998. Was it currently being implemented, and if so, what impact had it had? In what ways did it address the needs of adolescents? The report did not clearly state whether a programme was in place for AIDS orphans. According to some reports, AIDS patients were the subject of discrimination. Was that the case among children as well? The transmission of HIV/AIDS from mothers to children was also a matter of concern. Was triple combination therapy available for treatment in such cases? The Government had taken measures to reduce the drop-out rate among girls; she asked what their effectiveness had been. She would also like to know whether the education system took pupils' health into consideration, and whether there were sufficient recreational facilities at schools and pre-school institutions.

40. After considering Ethiopia's initial report the Committee had expressed concern about the shortage of trained teachers, in particular in rural areas, and about the divergence of school curricula from cultural and social realities. Had the State party attempted to rectify the situation? She would also welcome information on environmental protection measures taken by the Government.

41. Were the subjects of peace and tolerance, sexual education and reproductive health included in the educational curriculum? Noting that pre-school care was provided by NGOs and private organizations, she asked whether the Government imposed any quality standards. What action did the Government intend to take in order to improve the lot of children who had no access to pre-school care, which was of prime importance for psychological development? The education budget in the capital was constantly rising. Was that the case in the regions as well? In her opinion, more efforts should be made to improve the education of girls and to increase the number of women teachers, which was still very low at the primary and secondary levels.

42. There had been some allegations of illegal arrests of refugees, who were reportedly held for relatively lengthy periods without due process. Some had been subjected to ill-treatment by the police. While capital punishment was not invoked against children in practice, certain articles of the Penal Code stipulated that young offenders between the ages of 15 and 18 who committed serious crimes and were considered as dangerous to society could be sentenced to

death or life imprisonment. Such provisions were a matter of concern to the Committee. Would the revision of the Penal Code eliminate them, in accordance with the Convention? The reports of lengthy detention of minors by the police were alarming, especially as such practices were prohibited by Ethiopian law. In principle, pre-trial detention must not exceed 14 days, which was already a long time for cases involving children. In the case of recidivist juvenile offenders, pre-trial detention could be extended still further. Perhaps the revision of the Penal Code could shorten those periods.

43. Sexual exploitation of children apparently persisted, despite the efforts made by the Government to check it. Another problem of concern was the migration of unaccompanied Ethiopian minors into neighbouring countries, where they became street children and were left without protection. Were the Ethiopian authorities aware of that problem, and what measures did they intend to take to provide protection to such children?

44. Mr. FULCI asked whether the delegation might elaborate on certain disparities between law and practice. For example, although the Labour Code was quite progressive in restricting child labour, it was still pervasive. Many Ethiopian children worked as shoeshiners, porters, lottery ticket vendors and animal herders, and it was commonplace to find child domestic workers in Ethiopian homes. According to one estimate, about 30 per cent of workers on State farms were children between the ages of 7 and 14, who were typically forced to work six-day weeks with no benefits, for under $10 per month. At one plantation, three quarters of the children in the workforce had been obliged to work 12-hour days. Could the delegation comment on those reports and describe the measures the Government could take to combat child labour? Was there any cooperation between the International Labour Organization (ILO) and the Government in that field?

45. Although the law prohibited trafficking in persons, reports indicated that Ethiopian girls were taken to countries in the Middle East and to Italy to work as house servants and nannies, and that some of them had been abused. What was the Government's view concerning those allegations? According to one NGO, girls as young as 11 were recruited to work as prostitutes and were kept ignorant of the dangers of HIV/AIDS. Poor rural families had apparently been selling their young daughters to hotel and bar owners on the main trucking routes for that purpose, and the unwanted babies of those young girls were often abandoned at hospitals and police stations. Had the Government taken any measures to counter that practice?

46. According to the policy adopted by the Ministry of Defence, the armed forces should not enlist persons under the age of 18. In practice, however, some young boys who had been unable to prove their age because they did not have birth certificates had been forcibly recruited. Would the Government take any steps to place the burden of proof on the military? There had also been some evidence that children as young as 14 had been permitted to join local militias with the consent of village leaders.

47. Ms. KARP, citing the reference in the report to the Committee's recommendation on technical assistance, asked whether any applications had been filed for technical assistance in restructuring the juvenile justice system. The adoption of legislation appeared to take a very long time in Ethiopia; certain legislative measures had still not been adopted four years after

the Committee had issued its concluding observations concerning the initial report (CRC/C/15/Add.67). What accounted for such delays? While it was commendable that the Convention had been printed and distributed, why had it not yet been published in the Official Gazette? The Committee had referred in the concluding observations to the need to ensure adequate recourse and complaints procedures for child victims of sexual abuse. While the situation had apparently improved in the capital, she was concerned about a possible lack of procedures for filing complaints in other regions.

48. The CHAIRPERSON, speaking as a member of the Committee, inquired about the human and financial resources of the Children, Youth and Family Affairs Department (CYFAD). That body had a very broad mandate, as it was in charge of coordinating work related to the Convention as well as activities related to child labour and orphanages.

The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.

49. Mr. ALEMU (Ethiopia) said that there was a well-established practice in Ethiopia whereby youths were encouraged to form clubs and associations in schools and neighbourhoods. New children's NGOs were always being formed. One had recently obtained consultative status with the Economic and Social Council. Replying to a question about statelessness, he said that some Eritrean nationals had been involved in illegal activities which jeopardized Ethiopia's national security. When they had been deported, their nationality had been invoked. The Ethiopian law governing nationality dated back to the 1930s, and precluded the possibility of double nationality. Therefore, Ethiopians who acquired another nationality automatically lost their Ethiopian citizenship. Ethiopia was not a party to the Convention on the Reduction of Statelessness. Cases of foreign stateless persons were handled with the Office of the United Nations High Commissioner for Refugees (UNHCR).

50. The allegations of detention of refugees were unfortunate and baseless. Ethiopians considered themselves a hospitable people, always ready to accept refugees from neighbouring countries, especially as Ethiopians had themselves been forced in large numbers to seek refuge in neighbouring countries such as the Sudan and had been well received there. The reports of UNHCR would attest to the quality of treatment of refugees in Ethiopia. At no time had the Government carried out arrests of refugees Regardless of whether a person was a refugee, he or she could not be detained without a warrant and could not be held without charge for more than 48 hours, failing which a writ of habeas corpus could be filed. That would lead to the person's immediate release.

51. Mr. SODANO (Ethiopia) expressed his appreciation for the Committee's concern for the problems of HIV/AIDS, which had already had a devastating effect on the country's workforce and children. The Government had set up a council to coordinate policy in combating HIV/AIDS, and the Ministry of Labour and Social Affairs was represented on that body. The Government had agreed to pool resources with international financial institutions to alleviate the problem. To the extent possible, care for AIDS orphans was arranged within their communities, either by placement with family members or in shelters. If no other solution was available, they were placed in institutions. There were plans to carry out a survey to obtain a better idea of the extent of the problem.

52. Child labour was a complex and challenging problem. In many cases, children in rural areas had no other opportunities, and work was the only way for them to play a role in society. A survey of child labour was to be carried out by the Central Statistical Authority and ILO in order to help draw up an effective public policy. The Government had issued a code three years before to deal with trafficking in girls, and had set up a system under which any person wishing to work abroad must apply for a permit through an authorized agency. Nonetheless, illegal trafficking persisted, and people found guilty of involvement in such activities were held accountable for it. The social security system did not yet cover all workers, but there were plans to extend it to include workers in the private sector.

53. Ms. GUTTA (Ethiopia) said that the Government's new health policy was aimed at providing comprehensive primary health-care services at the community level. The Government provided prenatal and post-natal care to the extent possible, given its resource constraints. Rehabilitation centres for child prostitutes were run by various NGOs, and medical services were provided for some child prostitutes, although not all benefited from such assistance.

54. Mr. TADESSE (Ethiopia) said that the new Family Law had established provisions to ensure that there were no illegal adoptions, which were adverse to the interests of the child. The courts, which had to approve all adoptions, would not approve either domestic or international adoptions without ensuring that the prospective parents would be able to bring up the child in a proper manner. The Ministry of Labour and Social Affairs was specifically entrusted with the task of making inquiries and reporting to the court, particularly in cases of international adoption when additional information was required about the personality and the financial situation of the prospective parents. Moreover, the Family Code included new precautionary provisions to ensure that adoption would not be used in order to exploit the children involved, as it had been in the past. The Ministry of Labour and Social Affairs had introduced a stringent post-placement reporting system; reports had to be submitted regularly until a child attained 18 years of age and, when necessary, visits were made.

55. The new Family Law was at the federal level, but there were also new family laws at the regional level, and they all included provisions for children in the case of divorce. Previously, children under five years of age had always been left with the mother, but now custody could be awarded to the father, when that was in the best interests of the child. The new legislation also included children's right to be heard in cases of divorce or administration of their assets.

56. With regard to alternative measures for young offenders, imprisonment was a measure of last resort; prior to that, curative measures were implemented. Once the court had decided to impose imprisonment, the law required that a child should not be imprisoned in a prison for adults. Unfortunately, Ethiopia was unable to fully satisfy that provision, owing to lack of resources. However, as it had suffered from the effects of child offenders becoming hardened criminals due to detention in prisons for adults, efforts were under way to enable it to comply with the law. Three juvenile detention centres were under construction, in Addis Ababa, in Tigrai and in the southern region.

57. The Constitution prohibited corporal punishment, and any organ of Government or individual handling matters pertaining to children should be guided only by the Constitution and not by any other provisions in the Penal Code that might allow it; such provisions would soon be eliminated.

58. He agreed that it was taking a long time to change the laws or enact new legislation in Ethiopia; that was due to lack of resources. In addition, the Government had just established the Law and Justice Reform Institute with the mandate of ensuring that all legislation was consistent with the basic principles of the Constitution and the international treaties to which Ethiopia had acceded. It was evidently very time-consuming to revise all the codes that had been in use for a considerable number of years, most of them drawn up by non-Ethiopians.

59. Current legislation included provisions on incest, although the sanctions were not as severe as they should be; that would be taken into consideration in the revision of the Penal Code. Once again, however, it would take time.

60. Measures were being taken to make the Penal Code child-friendly, particularly in cases of child abuse. An effort was being made to adopt systems in use in other countries; for example, conducting matters in camera when a child was the victim and endeavouring to make the court atmosphere more child-friendly. In cases of rape, currently if the perpetrator married the victim, he could not be prosecuted; therefore, women were doubly victimized. The revised Penal Code would tackle that issue also.

61. The Penal Code established special arrangements for four different age groups: under 9 years of age; from 9 to 15 years; from 15 to 18 years and over 18 years of age. The Committee had asked why children between 15 and 18 years of age were at times treated as adults. It should be remembered that the Code had been adopted 40 or 50 years earlier, before the protection of the child had become an international priority and, as mentioned, it was being revised.

62. The Committee had expressed concern that the article of the Penal Code on vagrancy might be used against street children. However, before a child was taken into custody, a special procedure had to be followed, which included obtaining a warrant from the court. In general, a person could be held in custody for only 48 hours before he or she had to be produced in a court of law. Moreover, there were special provisions for dealing with children, including the requirements that a child had to be produced to the court instantly and that the investigation had to be conducted without detaining the child.

63. Although the legal system allowed custody for 14 days in the case of adults, it was not permitted in the case of young offenders. Recently, a series of seminars had been held for the judicial organs - the police, public prosecutors and judges - because there had been some misunderstandings with regard to procedures in the case of child offenders. Previously, only one court could handle matters involving children; now any trial court could handle criminal proceedings where children were involved and that had helped protect children and eliminate delays.

64. Ethiopia did not have a juvenile court per se. The federal court comprised different divisions, including a family division. However, currently every criminal division could handle juvenile cases in order to expedite matters. Regional governments were following the same system. The higher courts handled only a very limited number of more serious cases, such as those involving a life sentence.

65. With regard to restrictions on the right to counsel, the Constitution stipulated that everyone was entitled to counsel when charged with a serious offence and when there would be injustice if the trial were to be conducted without counsel. Under the criminal procedure, there was a similar provision; if child offenders could not be represented by their parents, then they had the right to be represented by counsel.

66. It was possible for a child of 15 to 18 years of age to be sentenced to solitary confinement. The procedure for younger children was very different and, at times, the provisions for the under-15 age group were used for children of 15 to 18 years of age.

67. With regard to the burden of proof, it was alleged that a child was supposed to prove his age in order to avoid recruitment. The basic problem stemmed from the absence of birth registration. The best way to defend the interests of the child would evidently be to establish a civil registry and that was under way. However, currently, a combination of factors were used to verify the age of a child, such as the educational records and the knowledge of family elders, which generally provided fairly accurate information.

68. The fact that the Convention had not been published was not due to an absence of commitment on the part of the Government. Ethiopia was a party to various international conventions and they were as binding as any other piece of legislation. The Government was aware that they should be published in order to raise pubic awareness; however, it had not been done, usually due to general technical difficulties.

69. Ms. OUEDRAOGO said that the Committee had greatly appreciated the very constructive dialogue with the Ethiopian delegation, whose precise replies had allowed members to obtain a better comprehension of the situation of the child in Ethiopia. There were many positive aspects, such as the adoption of the Family Code, the work to amend the Penal Code, the raising of the age limit for marriage and the increase in budget. The Committee had taken note of the problems and hoped that its observations would be taken into account in the revised Penal Code, so as to harmonize it with the Convention.

70. Unfortunately, the plan of action did not have an integrated perspective and the delegation had acknowledged that it needed to be revised. The Committee hoped that the new institutions that were established would help Ethiopia implement the Convention in a more coordinated manner.

71. The Committee accorded great importance to the issue of corporal punishment, and hoped that its concerns would be reflected when the relevant part of the Penal Code was revised. Genital mutilation of girls and women continued to be a serious problem; the delegation had

mentioned that it was difficult to achieve a change in attitude, but it was necessary to persevere in the application of the measures contemplated and Ethiopia could learn from the experience of other African countries which were dealing with the issue.

72. There were shortcomings in the area of the administration of juvenile justice and the Committee hoped that its concerns and observations would be taken into account.

73. The CHAIRPERSON thanked the delegation for its frank and cooperative dialogue with the Committee and suggested that any outstanding questions could be answered in writing.

74. Mr. SODANO (Ethiopia) thanked the members of the Committee for their constructive observations and said that he would transmit their concerns to the relevant persons and bodies. The additional information required would be forwarded in the coming weeks.

75. In addition to the Convention on the Rights of the Child, Ethiopia had ratified the ILO Minimum Age Convention, 1973 (No. 138) and was in the process of ratifying the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) which demonstrated its commitment to protecting children and improving their well-being.

76. He expressed appreciation to the United Nations agencies and NGOs that had provided assistance in the implementation of the Convention and, in particular, to UNICEF for making his delegation's presence in Geneva possible.

77. The CHAIRPERSON said that the Committee hoped that its observations would make a difference to the situation of children in Ethiopia and praised the delegation for the quality of its participation.

The meeting rose at 6.05 p.m.